

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

AMBER CARSON,)
Individually And On Behalf Of)
All Others,)
)
Plaintiffs,)
)
vs.)
)
CITADEL FEDERAL SOLUTIONS LLC)
d/b/a FALCONTEK)
Defendant.)

Case No.: 5:23-cv-6015-DGK

PLAINTIFF'S MOTION FOR ATTORNEYS' FEES AND COSTS

COMES NOW, the Plaintiff, by and through counsel, and for this Motion for Attorneys' Fees and Costs states:

1. The Plaintiff filed a case against the Defendant on or about December 16, 2022, in the Circuit Court of Clinton County, Missouri. The Defendant removed the case from the Circuit Court of Clinton County, Missouri to the Western District of Missouri on or about January 27, 2023. One week later, on February 3, 2023, the Defendant a Motion to Dismiss for lack of Article III jurisdiction.

3. "Article III standing is a threshold question in every federal court case." *United States v. One Lincoln Navigator 1998*, 328 F.3d 1011, 1013 (8th Cir. 2003). As the removing party, Defendant bears the burden of establishing this Court's jurisdiction. *Schur v. L.A. Weight Loss Ctrs., Inc.*, 577 F.3d 752, 758 (7th Cir. 2009); *Goldstein*, 887 F. Supp. at 170. This includes Article III standing. *Macon Cnty.*, 968 F. Supp. 2d at 964; *Envtl. Research Ctr. v.*

Heartland Prods., 29 F. Supp. 3d 1281, 1283 (C.D. Cal. 2014). Given the Defendant's abandonment of its burden, Plaintiff filed a Motion to Remand and the subsequently filed a motion that requested the Court stay all other deadlines pending the Court's decision on remand.

4. The parties fully briefed all three motions by April 11, 2023.

5. On April 10, 2023, following an unsuccessful mediation, the Defendant made an Offer of Judgment to the Plaintiff.

6. On April 24, 2023, the Plaintiff accepted the Defendant's offer.

7. Defendant's Offer of Judgment included costs and reasonable attorneys' fees to be determined by the Court. Plaintiff files this motion seeking fees and costs incurred in litigating this matter.

8. Plaintiff seeks compensation for no less than 88.4 hours worked and costs of \$1,781.43. The fees currently incurred break down as follows:

Brown – 42 hours worked at \$550 a hour totaling \$23,595.00;

Watkins – 38.4 hours worked at \$550 a hour totaling \$21,120.00; and

Graham – 7.7 hours worked at \$100 a hour totaling \$770.00.

Total fees currently incurred = \$45,485.00.

The cost of \$1,781.43 represents a \$105.93 filing fee, a service fee of \$118.00, and mediation costs. No other costs are being requested at this time.

9. In conjunction with this Motion, Plaintiff has filed a Memorandum in Support, Declarations of Attorneys C. Jason Brown and Jayson A. Watkins, itemized Time Records and a brief Firm Resume.

10. Plaintiff's counsel respectfully submits that this request is made in good faith and is based on an itemized record of work and request for reasonable attorneys' fees and costs.

Counsel will submit an updated record of time at the conclusion of briefing but before any oral arguments granted by the Court

WHEREFORE, Plaintiff, Amber Carson, moves the Court for an award of costs in the amount of \$1,781.43 and attorneys' fees in an amount not less than \$45,485.00, plus any additional fees incurred through the conclusion of this matter, pursuant to the Defendant's Offer of Judgment.

Respectfully submitted,

By: /s/ C. Jason Brown
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of May, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

/s/ C. Jason Brown
Attorney for Plaintiff